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Analysis of House Bill 4216 (As Passed House)

Topic: Voluntary Registration of Boiler Operators & Stationary Engineers

Sponsor: Representative Robert Jones

Co-Sponsors: Representatives Vagnozzi, Young, Kathleen Law, Clack, Meadows, Leland and Hopgood

Committee: House Labor Committee
Senate Economic Development & Regulatory Reform

Date Introduced: February 7, 2007

Date of Analysis: March 14, 2007

Position: The Department supports the bill.

Problem/Background: The Board of Boiler Rules was created by the Boiler Act of 1965, which regulates the construction, use and repair of boilers. The Board currently provides for the licensing of boiler inspectors, installers, and repairers and provides for penalties for violations set forth in the Act. Boiler operators and stationary engineers, however, have not been regulated and there is no current uniform standard for operator training. Unfortunately, there have been many cases of injury, property destruction, and loss of life because of inadequate training of the operators and/or stationary engineers. Just as a car should not be operated by an inexperienced driver, a boiler should not be operated by an untrained or unqualified operator.

Description of Bill: The bill would amend sections 2, 4, 4a, 7, 12, 14, and 24 to allow for voluntary registration of boiler operators and stationary engineers. The bill would require the Board of Boiler Rules to:

- Register, on a voluntary basis, individuals who pass a boiler operator or stationary engineer examination.
- Protects and restricts certain titles to those who are registered with the State of Michigan.
- Provides that registration and examination fees be set forth through the promulgation of administrative rules.
- Establishes a minimum level of education and experience for registration.
- Establishes five different classifications of boiler operators and stationary engineers.
- Provides for reciprocity with other states and the cities of Detroit and Dearborn, which currently regulate boiler operators and stationary engineers.
- Provides a "grandfather" clause for existing boiler operator and stationary engineers.
- Provides for charges of a misdemeanor if a restricted title without registration is used.

Summary of Arguments

Pro: The bill promotes the safe day to day operation of boilers. The National Board of Boiler and Pressure Vessel Inspectors reports that each year the majority of boiler accidents are the direct result of human oversight or lack of knowledge in operating a boiler. The bill would encourage the operators, engineers, and the industry to voluntarily have those in this profession take the examination and become registered resulting in the protection of themselves, the industry, and the general public. The Department, the boiler operator profession and the Michigan Plumbing & Mechanical Contractors Association all support the bill.

Con: Some would argue that the bill does not go far enough in regulating boiler operators and stationary engineers and that mandatory registering and/or licensing should be established. Others may argue that some individuals, who are not able to pass the examination and thereby become registered, will become unemployable should the industry itself require registration.

Fiscal/Economic Impact

(a) Department

Budgetary: Additional staff may be needed to handle the proposed registration activities.

Revenue: The Department will collect fees for voluntary registration, however, the program will be revenue neutral.

Comments:

(b) State None.

Budgetary:

Revenue:

Comments:

(c) Local Government None.

Comments:

Other State Departments: None.

Any Other Pertinent Information: Ten other states, 42 cities (including Dearborn and Detroit) and most Canadian provinces require the licensing of boiler operators and stationary engineers.

Administrative Rules Impact: The Department would need to promulgate rules to establish a fee structure.